IN RE: DEV. PLAN HEARING & PETITION FOR VARIANCE

NW/S Philadelphia Road, 2300'

+/- SW from c/l New Forge Road

Holter property

11th Election District
5th Councilmanic District

5th Councilmanic District * (
Legal Owner:Lawrence J. Holter,et al

Contract Purchaser:Winsome Homes Inc., Developer *

* BEFORE THE HEARING OFFICER/

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. XI-486 & 96-165-A

* * * * * * * * * * *

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to the authority in set forth in Section 26-206.1 of the Baltimore County Code. The Developer/Petitioner (Lawrence J. Holter, et al, property owners and Winsome Homes, Inc., Builder) seeks approval of a development plan prepared by M & H Development Engineers, Inc., proposing 36 single family dwellings and one existing single family dwelling on the subject tract of 14.9 acres. As filed within the zoning Petition, the Petitioners/Developer have also sought variance relief pursuant to Sections 259.9.C.4 and 259.9.F.4 of the Baltimore County Zoning Regulations (BCZR) to allow a 0 ft. setback from the front building envelope line to the street in lieu of the required 18 ft. and to permit a cul-de-sac length of 425 ft. in lieu of the required 400 ft. The requested variances and proposed project for the Holter property are more particularly shown on the Developer/Petitioner's Exhibit No. 1, the development plan/plat to accompany the Petition for zoning Variance.

As to the history of the review of this project through the development review process, a Concept Plan Conference was conducted on April 17, 1995. A Community Input Meeting was held on June 7, 1995, at the White Marsh Library. Subsequently, a development plan was submitted and a conference was held on November 15, 1995. The combined development plan hearing/Petition for Variance hearing was conducted in its entirety on



December 6, 1995.

Appearing at the public hearing held for this case were Mary Holter Drescher and Lawrence Holter, property owners. Also present were Vincent Moskunas on behalf of M and H Developers, Inc., and John Clark on behalf of Winsome Homes, Inc. The Developer/Petitioner was represented by David M. Meadows, Esquire. There were no Protestants or other interested persons present from the surrounding community.

Also present were representatives of the various Baltimore County/State of Md. agencies who evaluated the project. These included David Flowers, the Project Manager, from the Office of Permits and Development Management, Ervin McDaniel from the Office of Planning and Zoning (OPZ), Kate Milton from the Office of Permits and Development Management, R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), Robert Bowling on behalf of the Department of Public Works and Bob Small from the State Highway Administration.

As to a consideration of the development plan, same shows that the subject tract is approximately 15 acres in area, split zoned D.R.5.5 (13.34 acres) and D.R.3.5 (1.55 acres). The property is located adjacent to Old Philadelphia Road, between that roadway and the John F. Kennedy Memorial Highway (I-95). Previously, the property was part of a larger tract owned by the Holter family. However, the property was subdivided by way of the minor subdivision process in 1993 (See project XI-486). That subdivision provided for an existing parcel (lot No. 1) located in the center of the property adjacent to Philadelphia Road and a second lot immediately abutting and northwest of lot No. 1. The balance of the tract was shown as unimproved on the minor subdivision plan.

The Developer/Petitioner proposes 36 single family dwellings on the previously unimproved tract. Vehicular access will be by way of an inter-

ORIDER RECEIVED FOR FILING
Date
By

nal roadway which will terminate in two prongs as cul-de-sacs. A storm water reservation area is also shown on the plan as is an area of open space and forest retention.

At the hearing, the Hearing Officer is required to identify any outstanding issues/unresolved development plan comments. In this respect, counsel for the Developer proffered that there were no unresolved issues as far as he was aware. That is, he stated that the plan met all regulations, rules and development policies of Baltimore County and was in compliance with all agency recommendations and development plan comments. To a large extent, the County agency representatives present corroborated this proffer, however, did raise certain minor unresolved comments.

One of the comments raised was by Mr. Bowling and related to the two lots which were originally part of the property but were designated as separate parcels through the minor subdivision process. Those lots are presently improved with the dwellings, namely, No. 11336 Old Philadelphia Road on lot No. 2, and No. 11340 Old Philadelphia Road on lot No. 1. Neither lot is presently served by public sewer. As part of the development of the balance of the site, Mr. Bowling requesting that the Developer insure a sewer connection to these existing dwellings. Apparently, this entire geographic area contains a number of failing septic systems and these dwellings are not now served by public sewer.

I am persuaded to incorporate Mr. Bowling's recommendation as a condition precedent to approval of the development plan. I am authorized to impose such a condition pursuant to Section 26-206(0) of the Baltimore County Code. The history of the property indicates that all three lots were originally one tract and are still owned by members of the same family. Although the minor subdivision occurred two years ago and is not, per se, a part of the proposed 36 single family dwelling development, the

SER RECEIVED FOR FILING

spirit and intent of the regulations suggests that the entire parcel should be treated as one in considering this issue. Thus, it seems appropriate that the plan be approved contingent upon the providing of public sewer to the two existing dwellings. Obviously, I cannot require the owners of those lots to accept such a sewer connection; however, if they choose to do so, same shall be provided.

Mr. Seeley from DEPRM stated that the plan was generally in compliance with his department's recommendations and standards. He did request that a note be added to the plan showing the access easement which is required to be provided to Baltimore County for the forest buffer easement area. The Developer indicated that such a note would be added to the plan.

Lastly, Mr. McDaniel from OPZ indicated his agency's support of the plan but requested the the plan be amended to indicate that development was subject to the design standards for the Honeygo (H) Overlay District. Again, this requirement was agreed to by the Developer and shall, therefore, be so added.

But for these minor changes, the plan is in compliance with all development review standards and should be approved. I will, therefore, so order.

As to the zoning variance case, a portion of the relief requested was withdrawn at the hearing. The Petitioner no longer requests a variance to allow a 0 ft. setback from the front building line in lieu of the required 18 ft., however, the request to permit a cul-de-sac of 425 ft. in length in lieu of the required 400 ft. is still at issue. In this regard, Mr. Meadows proffered testimony that a practical difficulty would exist if the variance was not granted. He noted the unique configuration of the site and the limited manner in which vehicular access can be provided to the

ate The House BORFILE

development. He also proffered that a grant of the relief would be consistent with the spirit and intent of the BCZR and would not detrimentally effect surrounding locales.

This proffered testimony was uncontradicted and I am persuaded, based on the testimony and evidence presented, that variance relief should be granted. It is clear that the proposed cul-de-sac arrangement presents a practical approach to deal with the inherent site constraints of the property and the best manner to provide vehicular access to the overall property. Thus, the variance will be approved.

Pursuant to the development regulations of Baltimore County, as contained within Subtitle 26 of the Baltimore County Code, the advertising of the property and the public hearing thereon, I will approve the development plan consistent with the comments set forth above and shall so order.

ty this _______day of December, 1995 that the development plan submitted in the within case as Developer/Petitioner's Exhibit No. 1, be and is hereby APPROVED in accordance with the terms and conditions as set forth herein; and,

IT IS FURTHER ORDERED that a variance from Section 259.9.C.4 of the BCZR to allow a 0 ft. setback from the front building, in lieu of the required 18 ft., be and is hereby DISMISSED AS MOOT; and,

IT IS FURTHER ORDERED that a variance from Section 259.9.F.4 of the BCZR to permit a cul-de-sac length of 425 ft. in lieu of the required 400 ft., be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Developer shall prepare and submit to Permits and Development Management (PDM), within 10 days from the date of this Order, a development plan which reflects and incorporates the terms,

BEH HECKIVED FOR FILING

conditions, and restrictions, if any, of this opinion and Order and/or the development plan comments.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

LAWRENCE E. SCHMIDT Zoning Commissioner

for Baltimore County

LES:mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 14, 1995

David M. Meadows, Esquire 4111 E. Joppa Road Baltimore, Maryland 21236

RE: Case No. XI-486 and 96-165-A

Development Plan Order and Petition for Zoning Variance

Project: Holter property

Winsome Homes, Inc., Applicant/Developer

Dear Mr. Meadows:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petition for Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

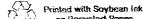
Lawrence E. Schmidt Zoning Commissioner

LES:mmn att.encl.

cc: Mr. John Clark, Winsome Homes, Inc., 2820 Reckord Rd., Fallston, 21047

cc: Mr. Vincent Moskunas, M & H Development, Inc., 200 E. Joppa Rd.,21286

cc: Mr. David Flowers, Project Manager





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

11336 OLD PHILADELPHIA RD

ITEM# 488

76-165-A which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 259.9.C.4 & 259.9.F.4

To allow a zero foot setback from the front building in lieu of the required 18 feet from the front side of the building & To permit a cul-de-sac length of 428 425 feet in lieu of the required 400 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons. (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

If, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimus County.

	•
	I/We so solemnly declare and affirm under the penalties of perjury, that live are the legal owner(s) of the property which is the subject of this Petition
Contract Purchaser/Lessee	Lega: Owner(s)
Wrasome Hemes, lac	Smal & Heller
(Type or Parit Name)	(Type of Print Name)
Just Clar (2)	JOSEPH G. HOLTER
Signature / ()	Signature
2520 Leelens RD	•
Address	(Type or Print Name)
tallow Mrs 2104)	
State Zipcode	Signature
Attorney for Petitioner	
Ronald A. Decker	11340 OLD PHILADELPHIA ROAD Address Phone No 256-588
· ·	
Ronald 9 Decken	BALTO Co., Mo. 21162 City State Zipcode
Signature	Name, Address and phone number of representative to be contacted
AME 70004 8 and 500 844 a	
411 E. JOPPA ROAD 529-46ec Address Phone No	Name
BAGO, MO. 21236	
City State Zipcode	Address Phone No
, samha	OFFICE USE ONLY
. Spines !	ESTIMATED LENGTH OF HEARING unavailable for Hearing
V	the following dates Next Two Months
Printed with Soybean link	ALLOTHER
on Recycled Paper	REVIEWED BY: 2.T. DATE 6-27-95
WILLIAM CONTRACTOR OF THE CONT	1 - A - A - A - A - A - A - A - A - A -

HOLTER PROPERTY ATTACHMENT

96-165-A

- 1. The Tract is boarded on the North by a Development EXEMPT from the Honeygo Regulations. The properties for 300 feet North of that Development are all Small Tracts, which would not be Developed as Major Subdivisions. The property adjacent to the South is a 16 Acre Parcel which would allow 56 units and this is the only large tract that could be Developed as a Major Subdivision to 13 Mile Lane.
- 2. The adjacent Property to the South needs a sewer extension from the South for gravity sewer, which is not planned for a long time. Therefore if the land would be developed it would have to be approved for septic areas. The lot sizes would have to be larger to accomodate private sewer systems. This would than make this Subdivision different than the other two and the Honeygo Overlay, therefore no bennefit to the Honeygo Regulations.
- 3. We would be uncompatable with the adjacent Subdivisions to the north and south, if we are to adhere to Honeygo Regulations.

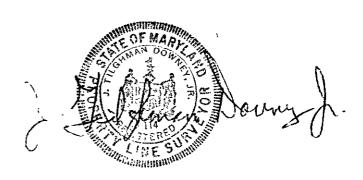


Room 101, Shell Building Towson, Maryland 21286 (410) 828-9060

DESCRIPTION OF HOLTER PROPERTY

96-165-A

BEGINNING for the same at a point on the centerline of Old Philadelphia Road, 66 feet wide, said point being 2300 feet, more or less, southwesterly from the centerline of New Forge Road; thence along the centerline of Old Philadelphia Road S34° 34' 44"W, 200.58 feet; thence leaving the centerline of Old Philadelphia Road N62° 17' 38"W, 374.17 feet; thence S34° 34' 44"W, 187.00 feet; S62° 30' 35"E, 128.63 feet; thence N 31° 57' 44"E, 11.95 feet; thence S62° 10' 50"E, 246.09 feet to a point on the centerline of Old Philadelphia Road; thence along sald centerline S34° 34' 44"W, 161.42 feet to a point; thence leaving said centerline N64° 19' 50"W, 1401.03 feet; thence N45° 06' 13"E, 562.57 feet; thence S64° 19' 50"E, 1297.01 feet to the POINT OF BEGINNING, containing 14.904 acres, more or less.



J. Tilghman Downey, Jr.

ITEM#488

a:\001soper|disk 5

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified therein in Room 10s of the County of the Building, 111 W. Chesapeake Ayenue, in Towson, Maryland 2,1204, or Room 118, Old Countipuse, 400 Washington Ayenue, Towson, Maryland 2,1204 as follows:

Case: #96-165-A (Item 488)

11336 Old Philadelphia Road NW/S Philadelphia Road, 2300 +/- SW from c/l of New

Forge Road

1th Election District

1th Election District

5th Counclinganic
Legal Owner(s):
Joseph G. Holter
Contract Purchaserr
Contract Purchaserr
Contract Purchaserr
Winsome Homes, Inc.
Hearing: Wednesday, December 6, 1995 at 2:00 p.m. in
Rm. 118, Jil Courthouse.
Vertance: to allow a zero foot
setback from the front building in lieu of the required 18
feet from the front side of the
building and to permit a culde-sac length of 425 feet in
lieu of the required 400 feet.
LAWRENCE E. SCHMIDT
Zonling Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handlcapped Accessible; for
special court 2256

Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

11/188 Nov. 16 C17312

CERTIFICATE OF PUBLICATION

TOWSON, MD., -2001, 1995

published in THE JEFFERSONIAN, a weekly newspaper published THIS IS TO CERTIFY, that the annexed advertisement was

weeks, the first publication appearing on $\frac{hov}{l}$. 1995.

in Towson, Baltimore County, Md., once in each of ____ successive

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

MISCELLANEOUS CASH RECEIVED DATE G 27/95 ACCOUNT R 001-6/50 96-65-A AMOUNT RECEIVED MGH ACCOUNT R 036-960 RECEIVED MGH ACCOUNT R 036-960 POR: O3AU34011941CHRC \$685.00 8A COO7:45AMD6-27-75	BALTIMUNE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION	NO. 17EM# 488
FOR: VARIANCE 3685.00 8A COUP : 45AMUÉ - 27-95	OFFICE OF FINANCE CASH RECEIPT MISCELLANEOUS CASH RECEIPT DATE 6/27/95 ACCOUNT AMOUNT AMOUNT	POOI-6150 70-VAR-\$ 65000 80-SIGN \$ 3500
03AD3#B119#ICHRC \$685.00 8A COB7:45AMD6-27-95	FROM:	SMI SUPPLY
VALIDATION OR SIGNATURE	FOR:	1981-0860 :45AAC-27-75

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

		a with
		ARNOLD JABLON, DIRECTOR
For newspaper advertising:		
Case No.:	Item No.: 488	
Petitioner: SAME		
LOCATION: 11336 OLD	PHIL ADELPHIA	RJ.
PLEASE FORWARD ADVERTISING	BILL TO:	
NAME: WINSOME		
ADDRESS: 2820 RE	CKORD ROAD	
FAISTON	Mp. 21097	
PHONE NUMBER: 893	.9936	

AJ:ggs (Revised 3/29/93)



MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
November 16, 1995 Issue - Jeffersonian

Please foward billing to:

Winsome Homes, Inc. 2820 Reckord Road Falston, MD 21047 893-9936

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-165-A (Item 488) 11336 Old Philadelphia Road

NW/S Philadelphia Road, 2300'+/- SW from c/l of New Forge Road

11th Election District - 5th Councilmanic

Legal Owner: Joseph G. Holter

Contract Purchaser: Winsome Homes, Inc.

Variance to allow a zero foot setback from the front building in lieu of the required 18 feet from the front side of the building and to permit a cul-de-sac length of 425 feet in lieu of the required 400 feet.

HEARING: WEDNESDAY, DECEMBER 6, 1995 at 2:00 p.m. in Room 118, Old Courthouse

LAWRENCE E. SCHWIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.





Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARING Project Name: Holter Property

Project Number: XI-486

Location: NW/S Philadelphia Road, SW of Lloyd Avenue

Acres: 14.904

Developer: Winsome Home, Inc. Proposal: 36 single family homes

and

CASE NUMBER: 96-165-A (Item 488) 11336 Old Philadelphia Road

NW/S Philadelphia Road, 2300'+/- SW from c/l of New Forge Road

11th Election District - 5th Councilmanic

Legal Owner: Joseph G. Holter

Contract Purchaser: Winsome Homes, Inc.

Variance to allow a zero foot setback from the front building in lieu of the required 18 feet from the front side of the building and to permit a cul-de-sac length of 425 feet in lieu of the required 400 feet.

HEARING: WEDNESDAY, DECEMBER 6, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Arnold Jablon Director

cc: Winsome Homes, Inc.

Joseph G. Holter

Ronald A. Decker, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO IM. TOA. IT TO THESAPBAKE AVENUE ON THE PEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL BOOLENHARDATIONS PLEASE CALL 887-2853.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Printed with Soybean Ink on Recycled Paper

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

January 4, 1996

(410) 887-4386

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi, LLC 4111 E. Joppa Road Baltimore, Maryland 21236

RE: Hearing Officer's Hearing
Case No. XI-486 and 96-165-A
Project: Holter Property
Winsome Homes, Inc., Applicant/Developer

Dear Mr. Meadows:

This is to acknowledge your letter of December 22, 1995 regarding the above matter.

Your recollection of the proceedings related to the above matter is, indeed, correct. The variance requested to allow a 0 ft. setback from the front building in lieu of the required 18 ft. was withdrawn prior to the hearing. My opinion indicates as much on page 4.

Moreover, to eliminate the potential for any confusion in the future, this letter will serve as confirmation that the withdrawal of the variance request is without prejudice. The Petitioner, or future home builders/home owners retain the right to bring a variance Petition in the future. Such a Petition would not be barred under the theories of res judicata, collateral estoppel or other doctrines.

I shall place a copy of this letter within the file and attach same to the Order. I trust that such action is sufficient for your purposes.

Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

cc: David Flowers, Project Manager

Printed with Soybean Into

BALTIMORE COUNTY, MARYLAND Inter-Office Memorandum

DATE:

June 27, 1995

TO:

Hearing Officer

FROM:

Regulo Tanguilig Planner I, PDM

SUBJECT:

Item #488

11336 Old Philadelphia Road

ZADM File #XI-486, Holter Property, still in the development process.

RT:scj

PETITION PROBLEMS AGENDA OF JULY 10, 1995

#479 -- CAM

1. No review information on bottom of petition form.

#485 --- JJS

- 1. Only one legal owner signature need signature of Kang.
- 2. Need original signature for lessee.

#486 - MJK

- 1. Petitioner was not given copy of receipt (still in folder).
- 2. Need telephone number for legal owner.
- 3. Need title of person signing for contract purchaser.

#488 -- RT

1. Need typed or printed name and title of person signing for contract purchaser.

#489 --- JRA

1. Need title of person signing for legal owner.

#493 --- JRA

- 1. Need telephone number for legal owner.
- Need address for legal owner.
- Need telephone number for attorney.

#494 — JRA

1. Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 --- JJS

1. Notary public section is incomplete.

#496 - JJS

1. No original signatures on petitions.

RE: PETITION FOR VARIANCE	*	BEFORE THE
11336 Old Philadelphia Road, NW/S Philadelphia Road, 2300'+/- SW from c/l of	*	ZONING COMMISSIONER
New Forge Road, 11th Election District,		
5th Councilmanic	*	OF BALTIMORE COUNTY
Legal Owner: Joseph G. Holter Contract Purchaser: Winsome Homes, Inc.	*	CASE NO. 96-165-A
Petitioners	*	

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Roter Mary Zenneman

Leillax Zimmernan

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald A. Decker, Esquire, 4111 E. Joppa Road, Baltimore, MD 21236, attorney for Petitioners.

PETER MAX ZIMMERMAN

MOORE, CARNEY, RYAN AND LATTANZI, LLC.

ATTORNEYS AT LAW
4111 E JOPPA ROAD

BALTIMORE, MARYLAND 21236

(410) 529-4600

FAX (410) 529-6146

E. SCOTT MOORE (1926-1992)

ROBERT E CARNEY, JR RICHARD E LATTANZI JUDITH L HARCLERODE RONALD A DECKER DAVID M MEADOWS

LISA M L. EISEMANN

Lawrence E. Schmidt
Zoning Commissioner
Baltimore County Government
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

_

Development Plan Order and Petition for Zoning Variance

December 22, 1995

Project: Holter Property

Case No. XI-486 and 96-165-A

Winsome Homes, Inc., Applicant/Developer

Dear Mr. Schmidt:

I'm in receipt of the Hearing Officer's Opinion and Development Plan and Variance Order for the above-referenced case. As you will recall, the variance concerning the 18-foot setback was withdrawn by the Petitioner, pursuant to the rules of practice, prior to the hearing, without prejudice. This was done to ensure the Petitioner's, or future homebuilders', right to bring such a variance action in the future. If you will recall, we spent some time at the hearing verifying for the record that that aspect of the Variance Petition had in fact been withdrawn without prejudice.

Therefore, on behalf of my client, I respectfully request that the Hearing Officer's Opinion be modified to encapsulate the testimony and findings that were made on the date of the hearing, mainly that the first zoning variance request was not moot, but was withdrawn without prejudice prior to the hearing, and that the Petitioners reserved their rights to file the variance at a later date, should they deem it necessary.

Thanking you in advance for your cooperation in this matter. I am

Sincerely yours,

David M. Meadows

DMM:gd

cc: John Clark

Lawrence J. Holter



PLEASE PRINT CLEARLY

NAME

PETITIONER(S) SIGN-IN SHEET

Halter Property 12-6-95 H.O. H.

ADDRESS

David M Marchers, Eq. At En Propount.	4111 & Jappa Rd , Bolt. Me 21236
Many Holten Dreschen	334 Miles Rd. Balto. Md. 2123
LAURENCE HOLTER	217 OBERLE AVE BALTO. ALZIZ.
MEHDEN, OK INC Ument HOSKEN AS	200 E. JOSPARd. 21286
John CLARK (Winsome Hous; lue)	2820 Rockers Del Vallston, Mel. 2104
•	

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES _____SIGN-IN SHEET

Halter Prap. 12-6-95 IVES H.O. H.

NAME Waver KATE MILTON Envir McDaniel Bruce Seelen Robertw. Bawling BOB SMALL	B.C. / P.D.M. X-3321 Coning PDM 339(OP 3211 DEPRM DPW SHA

Inc., Developer

HEARING OFFICER'S OPINION & DEVELOPMENT PLAN AND VARIANCE ORDER

* * * * * * * * * * *

This matter comes before the Zoning Commissioner/Hearing Officer as a combined hearing, pursuant to the authority in set forth in Section 26-206.1 of the Baltimore County Code. The Developer/Petitioner (Lawrence J. Holter, et al, property owners and Winsome Homes, Inc., Builder) seeks approval of a development plan prepared by M & H Development Engineers, Inc., proposing 36 single family dwellings and one existing single family dwelling on the subject tract of 14.9 acres. As filed within the zoning Petition, the Petitioners/Developer have also sought variance relief pursuant to Sections 259.9.C.4 and 259.9.F.4 of the Baltimore County Zoning Regulations (BCZR) to allow a 0 ft. setback from the front building envelope line to the street in lieu of the required 18 ft. and to permit a cul-de-sac length of 425 ft. in lieu of the required 400 ft. The requested variances and proposed project for the Holter property are more particularly shown on the Developer/Petitioner's Exhibit No. 1, the development plan/plat to accompany the Petition for zoning Variance.

As to the history of the review of this project through the development review process, a Concept Plan Conference was conducted on April 17, 1995. A Community Input Meeting was held on June 7, 1995, at the White Marsh Library. Subsequently, a development plan was submitted and a conference was held on November 15, 1995. The combined development plan hearing/Petition for Variance hearing was conducted in its entirety on

development. He also proffered that a grant of the relief would be consis-

tent with the spirit and intent of the BCZR and would not detrimentally

on the testimony and evidence presented, that variance relief should be

granted. It is clear that the proposed cul-de-sac arrangement presents a

practical approach to deal with the inherent site constraints of the prop-

erty and the best manner to provide vehicular access to the overall proper-

tained within Subtitle 26 of the Baltimore County Code, the advertising of

the property and the public hearing thereon, I will approve the develop-

ment plan consistent with the comments set forth above and shall so or-

in the within case as Developer/Petitioner's Exhibit No. 1, be and is

hereby APPROVED in accordance with the terms and conditions as set forth

BCZR to allow a 0 ft. setback from the front building, in lieu of the

IT IS FURTHER ORDERED that a variance from Section 259.9.C.4 of the

Pursuant to the development regulations of Baltimore County, as con-

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore Coun-

day of December, 1995 that the development plan submitted

This proffered testimony was uncontradicted and I am persuaded, based

December 6, 1995.

Appearing at the public hearing held for this case were Mary Holter Drescher and Lawrence Holter, property owners. Also present were Vincent Moskunas on behalf of M and H Developers, Inc., and John Clark on behalf of Winsome Homes, Inc. The Developer/Petitioner was represented by David M. Meadows, Esquire. There were no Protestants or other interested persons present from the surrounding community.

Also present were representatives of the various Baltimore County/State of Md. agencies who evaluated the project. These included David Flowers, the Project Manager, from the Office of Permits and Development Management, Ervin McDaniel from the Office of Planning and Zoning (OPZ), Kate Milton from the Office of Permits and Development Management, R. Bruce Seeley from the Department of Environmental Protection and Resource Management (DEPRM), Robert Bowling on behalf of the Department of Public Works and Bob Small from the State Highway Administration.

As to a consideration of the development plan, same shows that the subject tract is approximately 15 acres in area, split zoned D.R.5.5 (13.34 acres) and D.R.3.5 (1.55 acres). The property is located adjacent to Old Philadelphia Road, between that roadway and the John F. Kennedy Memorial Highway (I-95). Previously, the property was part of a larger tract owned by the Holter family. However, the property was subdivided by way of the minor subdivision process in 1993 (See project XI-486). That subdivision provided for an existing parcel (lot No. 1) located in the center of the property adjacent to Philadelphia Road and a second lot immediately abutting and northwest of lot No. 1. The balance of the tract was shown as unimproved on the minor subdivision plan.

The Developer/Petitioner proposes 36 single family dwellings on the previously unimproved tract. Vehicular access will be by way of an internal roadway which will terminate in two prongs as cul-de-sacs. A storm water reservation area is also shown on the plan as is an area of open space and forest retention.

At the hearing, the Hearing Officer is required to identify any outstanding issues/unresolved development plan comments. In this respect counsel for the Developer proffered that there were no unresolved issues as far as he was aware. That is, he stated that the plan met all regulations, rules and development policies of Baltimore County and was in compliance with all agency recommendations and development plan comments. To a large extent, the County agency representatives present corroborated this proffer, however, did raise certain minor unresolved comments.

One of the comments raised was by Mr. Bowling and related to the two lots which were originally part of the property but were designated as separate parcels through the minor subdivision process. Those lots are presently improved with the dwellings, namely, No. 11336 Old Philadelphia Road on lot No. 2, and No. 11340 Old Philadelphia Road on lot No. 1. Neither lot is presently served by public sewer. As part of the development of the balance of the site, Mr. Bowling requesting that the Developer insure a sewer connection to these existing dwellings. Apparently, this entire geographic area contains a number of failing septic systems and these dwellings are not now serred by public sewer.

I am persuaded to incorporate Mr. Bowling's recommendation as a condition precedent to approval of the development plan. I am authorized to impose such a condition pursuant to Section 26-206(0) of the Baltimore County Code. The history of the property indicates that all three lots were originally one tract and are still owned by members of the same family. Although the minor subdivision occurred two years ago and is not, per se, a part of the proposed 36 single family dwelling development, the

spirit and intent of the regulations suggests that the entire parcel should be treated as one in considering this issue. Thus, it seems appropriate that the plan be approved contingent upon the providing of public sewer to the two existing dwellings. Obviously, I cannot require the owners of those lots to accept such a sewer connection; however, if they choose to do so, same shall be provided.

Mr. Seeley from DEPRM stated that the plan was generally in compliance with his department's recommendations and standards. He did request that a note be added to the plan showing the access easement which is required to be provided to Baltimore County for the forest buffer easement The Developer indicated that such a note would be added to the

Lastly, Mr. McDaniel from OPZ indicated his agency's support of the plan but requested the the plan be amended to indicate that development was subject to the design standards for the Honeygo (H) Overlay District. Again, this requirement was agreed to by the Developer and shall, therefore, be so added.

But for these minor changes, the plan is in compliance with all development review standards and should be approved. I will, therefore, so

As to the zoning variance case, a portion of the relief requested was withdrawn at the hearing. The Petitioner no longer requests a variance to allow a 0 ft. setback from the front building line in lieu of the required 18 ft., however, the request to permit a cul-de-sac of 425 ft. in length in lieu of the required 400 ft. is still at issue. In this regard, Mr. Meadows proffered testimony that a practical difficulty would exist if the variance was not granted. He noted the unique configuration of the site and the limited manner in which vehicular access can be provided to the

conditions, and restrictions, if any, of this opinion and Order and/or the

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of

for Baltimore County

LES:mmn

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

December 14, 1995

David M. Meadows, Esquire 4111 E. Joppa Road Baltimore, Maryland 21236

> RE: Case No. XI-486 and 96-165-A Development Plan Order and Petition for Zoning Variance Project: Holter property Winsome Homes, Inc., Applicant/Developer

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Dear Mr. Meadows:

Enclosed please find the decision rendered in the above captioned case. The Hearing Officer's Opinion and Development Plan Order and Petition for Variance have been approved.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

cc: Mr. John Clark, Winsome Homes, Inc., 2820 Reckord Rd., Fallston, 21047 cc: Mr. Vincent Moskunas, M & H Development, Inc., 200 E. Joppa Rd., 21286

cc: Mr. David Flowers, Project Manager

Petition for Variance

to the Zoning Commissioner of Baltimore County

W /	or the months of the same	manufact of paretificing Co	UULL
	ior the property located at	11336 OLD PHILADELPHIA (₹₽.
> /	$t_{I} = \Lambda$	which is seemed as a	

76-165-A This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 259.9.C.4 & 259.9.F.4 To allow a zero foot setback from the front building in lieu of the required 18

feet from the front side of the building & To permit a cul-de-sac length of 428 425 feet in lieu of the required 400 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or See Attached

Property is to be posted and advertised as prescribed by Zoning Reculations

l, or we, e bound	agree to pay expenses of above Variance advertising, posting, by the zoning regulations and restrictions of Baltimore County	etc. upon filing of this potition, and final-

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the JOSEPH G. HOLTER 11340 OLD PHILADELPHIA ROAD 4111 E. JOPPA ROAD

Printed with Soybean Ink on Recycled Paper

ITEM# 488

required 18 ft., be and is hereby DISMISSED AS MOOT; and, IT IS FURTHER ORDERED that a variance from Section 259.9.P.4 of the BCZR to permit a cul-de-sac length of 425 ft. in lieu of the required 400 t., be and is hereby GRANTED; and,

development plan comments.

effect surrounding locales.

ty. Thus, the variance will be approved.

HOLTER PROPERTY ATTACHMENT

TO: PUTUXENT PUBLISHING COMPANY

CASE NUMBER: 96-165-1 (Item 488)

Legal Owner: Joseph G. Holter

LAURENCE E. SCHALDT

ZONIDAS COMMISSIONER FOR BALTDERE COURTY

11th Election District - 5th Councilmanic

Contract Purchaser: Winsome Homes, Inc.

NW/S Philadelphia Boad, 2300'+/- SW from c/l of Mess For pa

HEARING: WEUNESDAY, DECEMBER 6, 1995 at 2:00 p.m. in Room 118, Old Courthouse

11336 Old Philadelphia Road

Please foward billing to:

Winsome Homes, Inc.

2820 Reckord Road

Falston, MD 21047

893-9936

November 16, 1995 Issue - Jeffersonian

NOTICE OF HEARING

Room 106 of the County Office Building, 111 W. Chesapeake Avenne in Towson, Maryland 21204

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in

Recom 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Variance to allow a zero foot setback from the front building in lieu of the required 18 feet from the

front side of the building and to permit a cul-de-sac length of 425 feet in lieu of the required 400 feet.

MOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCUMENTIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERNES THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

1. The Tract is boarded on the North by a Development EXEMPT from the Honeygo Small Tracts, which would not be Developed as Major Subdivisions. The property adjacent to the South is a 16 Acre Parcel which would allow

56 units and this is the only large tract that could be Developed as a Major Subdivision to 13 Mile Lane. 2. The adjacent Property to the South needs a sewer extension from the South for gravity sewer, which is not planned for a long time. Therefore if the land would be developed it would have to be approved for septic areas. The lot sizes would have to be larger to accomodate private sewer systems.

This would than make this Subdivision different than the other two and the Honeygo Overlay, therefore no bennefit to the Honeygo Regulations. 3. We would be uncompatable with the adjacent Subdivisions to the north and south, if we are to adhere to Honeygo Regulations.

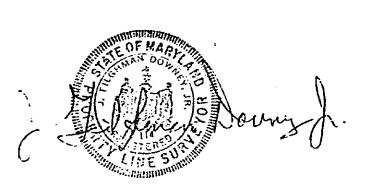
Regulations. The properties for 300 feet North of that Development are all

DEVELOPMENT ENGINEERS, INC.

2 East Joppo Road Room 101, Shell Building Towson, Maryland 21286 (410) 825-9060

DESCRIPTION OF HOLTER PROPERTY 76-165 A

BEGINNING for the same at a point on the centerline of Old Philadelphia Road, 66 feet wide, said point being 2300 feet, more or less, southwesterly from the centerline of New Forge Road; thence along the centerline of Old Phlladelphia Road S34° 34' 44"W, 200.58 feet; thence leaving the centerline of Old Philadelphia Road N62° 17' 38"W, 374.17 feet; thence \$34° 34' 44"W, 187.00 feet; S62° 30' 35"E, 128.63 feet; thence N 31° 57' 44"E, 11.95 feet; thence S62° 10' 50"E, 246.09 feet to a point on the centerline of Old Philadelphia Road; thence along sald centerline \$34° 34′ 44″W, 161.42 feet to a point; thence leaving said centerline N64° 19' 50"W, 1401.03 feet; thence N45° 06' 13"E, 562.57 feet; thence 564° 19' 50"E, 1297.01 feet to the POINT OF BEGINNING, containing 14.904 acres, more or less.



J. Tilghman Downey, Jr.

ITEM # 488

a:\001soper|disk 5

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

November 7, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltir County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

DEVELOPMENT PLAN HEARTHS Project Name: Holter Property Project Number: XI-486 Location: WM/S Philadelphia Road, SW of Lloyd Avenue Acres: 14.904 Developer: Winsome Home, Inc. Proposal: 36 single family homes

CASE NUMBER: 96-165-1 (Item 488) 11336 Old Philadelphia Road NW/S Philadelphia Road, 2300'+/- SW from c/l of New Forge Road 11th Election District - 5th Councilmanic Legal Owner: Joseph G. Holter Contract Purchaser: Winsome Homes, Inc.

MEANING: WEINTESDAY, DECEMBER 6, 1995 at 2:00 p.m. in Room 118, Old Courthouse

Variance to allow a zero foot setback from the front building in lieu of the required 18 feet from the front side of the building and to permit a cul-de-sac length of 425 feet in lieu of the required 400 feet.

Joseph G. Holter Ronald k. Decker, Esq.

NOTES: (1) ZONING SIGN & POST HOST HE PETGREED TAIL. DA. 174. HENDESPER AVENUE OF PEARING DATE.

(2) HEARINGS AND HANDICAPPED ACCESSINE; FOR SPECIAL CONTRACTORS PLEASE CALL 287-1353. (3) FOR IMPORTATION CONCERNS THE PILE ISD/OR "HEARING CONTACT THIS OFFICE AT 987-3391.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

03A03#0119MICHRC

VALIDATION OR SIGNATURE OF CASHIER

Suite 112 Courthouse Towson, MD 21204

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Marytand 21204 or Room 118, Okt Counthouse, 400 Washington Avenue, Towson, Marytand 21204 as follows:

Case: #96-165-A (Nem 488)

(nem 408)

1136 Old Philadelphia Road, MWS Philadelphia Road, 2300'+/- SW from cri of New Forge Road

11th Election District
5th Councilmanic
Legal Owner(s):
Joseph G. Holber
Contract Purchaser
Winsome Homes, Inc.
Hearing: Wednesday, December 6, 1995 at 200 p.m. in Rm. 118, Old Courthouse.
Variance: to allow a zero foot sethack from the front building in lieu of the required 18 feet from the front side of the building and to permit a cul-

text norm the aront side of the building and to permit a culde-sac length of 425 feet in
lieu of the required 400 feet.

LAWRENCE E. SCHIMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

Z): For information concern.

(2) For information concern-ing the File and/or Hearing, Please Call 887-3391.

11/188 Nov. 16 C17312

January 4, 1996

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

THE JEFFERSONIAN.

LEGAL AD. - TOWSON

003625

\$685.00

R001-6150

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of _____ successive

weeks, the first publication appearing on Nov 16, 1996

(410) 887-4386

David M. Meadows, Esquire Moore, Carney, Ryan and Lattanzi, LLC 4111 E. Joppa Road Baltimore, Maryland 21236

BALTIMONE COUNTY, MARYLAND

MISCELLANEOUS CASH RECEIPT

FOR: VARIANCE

DISTRIBUTION
WHITE-CASHER PINK-AGENCY YELLOW-CUSTOMER

OFFICE OF FINANCE - REVENUE DIVISION

RE: Hearing Officer's Hearing Case No. XI-486 and 96-165-A Project: Holter Property Winsome Homes, Inc., Applicant/Developer

Dear Mr. Meadows:

This is to acknowledge your letter of December 22, 1995 regarding the above matter.

Your recollection of the proceedings related to the above matter is, indeed, correct. The variance requested to allow a 0 ft. setback from the front building in lieu of the required 18 ft. was withdrawn prior to the hearing. My opinion indicates as much on page 4.

Moreover, to eliminate the potential for any confusion in the future, this letter will serve as confirmation that the withdrawal of the variance request is without prejudice. The Petitioner, or future home builders/home owners retain the right to bring a variance Petition in the future. Such a Petition would not be barred under the theories of res judicata, collateral estoppel or other doctrines.

I shall place a copy of this letter within the file and attach same to the Order. I trust that such action is sufficient for your purposes.

Zoning Commissioner

cc: David Flowers, Project Manager

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS AND PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. PAYMENT WILL BE MADE AS FOLLOWS:

Posting fees will be accessed and paid to this office at the time

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

For newspaper advertising: Petitioner:____ LOCATION: 11336 OLD PHIL ADELPHIA RJ. PLEASE FORWARD ADVERTISING BILL TO: NAME: WASOME HOMES, INC. ADDRESS: 2820 RECKORD ROAD FAISTON Mp. 21097

(Revised 3/29/93)

PHONE NUMBER: \$93-9936

BALTIMORE COUNTY, MARYLAND

June 27, 1995

SUBJECT: Item #488

Inter-Office Memorandum

Hearing Officer

Regulo Tanguilig Planner I. PDM

11336 Old Philadelphia Road

ZADM File #XI-486, Holter Property, still in the development process.

PETITION PROBLEMS AGENDA OF JULY 10, 1995

#479 --- CAM

No review information on bottom of petition form.

#485 — JJS

Only one legal owner signature -- need signature of Kang.
 Need original signature for lessee.

#486 --- MJK

Petitioner was not given copy of receipt (still in folder).
Need telephone number for legal owner.
Need title of person signing for contract purchaser.

#488 --- RT

 Need typed or printed name and title of person signing for contract purchaser.

#489 --- JRA

Need title of person signing for legal owner.

#493 --- JRA

Need telephone number for legal owner.
 Need address for legal owner.
 Need telephone number for attorney.

#494 --- JRA

 Who is legal owner? (Petition says Michael J. Specht & plat says Exxon Company, USA)

#495 --- JJS

Notary public section is incomplete.

#496 <u>---</u> JJS

No original signatures on petitions.

BEFORE THE RE: PETITION FOR VARIANCE 11336 Old Philadelphia Road, NW/S Phila-ZONING COMMISSIONER delphia Road, 2300'+/- SW from c/l of * New Forge Road, 11th Election District, OF BALTIMORE COUNTY 5th Councilmanic CASE NO. 96-165-A Legal Owner: Joseph G. Holter Contract Purchaser: Winsome Homes, Inc. Petitioners ENTRY OF APPEARANCE Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order. PETER MAX ZIMMERMAN
People's Counsel for Baltimore County CaroleS. Samilio CAROLE S. DEMILIO
Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188 CERTIFICATE OF SERVICE I HEREBY CERTIFY that on this 30 day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald A. Decker, Esquire, 4111 E. Joppa Road, Baltimore, MD 21236, attorney for Petitioners.

MOORE, CARNEY, RYAN AND LATTANZI, LLC. ATTORNEYS AT LAW 4III E JOPPA ROAD ROBERT E CARNEY, JR.
RICHARD E LATTANZI
JUDITH L HARCLERODE
RONALD A DECKER
DAVID M MEADOWS BALTIMORE, MARYLAND 21236 E. SCOTT MOORE (1926-1992) (410) 529-4600 FAX (410) 529-6146 LISA M L EISEMANN December 22, 1995 Lawrence E. Schmidt Zoning Commissioner
Raltimore County Government
Office of Planning and Zoning
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204 Re: Case No. XI-486 and 96-165-A

Development Plan Order and Petition for Zoning Variance
Project: Holter Property
Winsome Homes, Inc., Applicant/Developer Dear Mr. Schmidt: I'm in receipt of the Hearing Officer's Opinion and Development Plan and Variance Order for the above-referenced case. As you will recall, the variance concerning the 18-foot setback was withdrawn by the Petitioner, pursuant to the rules of practice, prior to the hearing, without prejudice. This was done to ensure the Petitioner's, or future homebuilders', right to bring such a variance action in the future. If you will recall, we spent some time at the hearing verifying for the record that that aspect of the Variance Petition had in fact been withdrawn without prejudice. Therefore, on behalf of my client, I respectfully request that the Hearing Officer's Opinion be modified to encapsulate the testimony and findings that were made on the date of the hearing, mainly that the first zoning variance request was not moot, but was withdrawn without prejudice prior to the hearing, and that the Petitioners reserved their rights to file the variance at a later date, should they deem it necessary. Thanking you in advance for your cooperation in this matter. Sincerely yours, David M. Meadows cc: John Clark Lawrence J. Holter

